IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

(3)

W.P.No. 3500 /2003

of 2003

Petitioners .. 1. M/s.Jaiswal Wires Limited,
Opp. Mahavir Goushala, K.K.Road,
Moudapara, Raipur, Chhattisgarh

Through: Shri Achhelal Jaiswal,
S/o late Shri Ramadhar Jaiswal,
Shri Lalta Prasad Jaiswal,
Shri Ram Prasad Jaiswal,
Smt.Sharada Devi Jaiswal &
Smt.Sushila Devi Jaiswal

2. M/s.Jaiswal Strips Limited
Moudapara, Raipur

Through: Shri Achhelal Jaiswal,
Smt.Shanti Devi Jaiswal,
Shri Shiv Kumar Jaiswal and
Anil Kumar Jaiswal, Smt.Sharada Devi &
Smt.Sushila Devi
All R/o Moudapara, Raipur,
Chhattisgarh.

Vs.

Respondents .. 1. Union of India
Through: Its Secretary, Ministry of
Law & Justice (Legislature Department),
Government of India, New Delhi.

2. Union of India,
Through: Its Secretary, Ministry of
Finance, (Banking Division), Government
of India, New Delhi.

3. State Bank of India, Commercial Branch,
IInd Floor, Ravi Bhawan, Jai Sthambh
Chowk, Raipur, Chhattisgarh.

PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA IN THE MATTER OF CHALLENGING THE VALIDITY OF SECTION 13(2) (3) & (4) AND SUB-SECTION 2 OF SECTION 17 OF THE SECURITISATION & RECONSTRUCTION OF FINANCIAL ASSETS & ENFORCEMENT OF SECURITY INTEREST ACT, 2002

DETAILS OF THE PETITION:

P.R. No. 3346/03
Presented by Shri Jay Prakash Sah
dated 29/11/03

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. 3500 सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	DIVISION BENCH: **HON'BLE SHRI A.S.VENKATACHALA MOORTHY, CJ** **& HON'BLE SHRI FAKHRUDDIN, J.** **29/06/2004: -** Shri Vivek Ranjan Tiwari counsel for the petitioners. Shri Vinay Harit, Sr. Standing Counsel for the Union of India, for respondents 1 and 2. Shri R.S. Jaiswal counsel for the respondent No.3. Following the decision of the Supreme Court in the matter of **Mardia Chemical Ltd. Vs. Union of India (2004 AIR SCW 2541)**, the writ petition stands dismissed. However, it is made clear that where a secured creditor has taken action under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 in such cases it would be open to borrowers to file appeals under Section 17 of the Act within the limitation as prescribed therefor, to be counted with effect from today. Sd/- Chief Justice Sd/- Fakhruddin Judge	

Jyo

[पीछे देखिये